UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,265	01/29/2001	Tony J. Gullotta	036258.0201	9986

7590	06/08/2004		**EXAMINER**	
			TRAN, PHILIP B	

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ART UNIT	PAPER NUMBER
2155	H

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

Office Action Summary

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 July 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 January 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _5_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because the abstract is too long

(more than 150 words). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the

disclosure.

The abstract should be in narrative form and generally limited to a single

paragraph on a separate sheet within the range of 50 to 150 words. It is important that

the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited. The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether

there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information

given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure

describes," etc.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created

doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent

and to prevent possible harassment by multiple assignees. See *In re Goodman,* 11

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,

418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be

used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly

owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

3.   Claim 1 of the instant application (09/774,265) is provisionally rejected under the

judicially created doctrine of obviousness-type double patenting as being unpatentable

over claim 1 of copending Application No. 09/800,098 (U.S. Patent Application Pub. No.

US 2002/0169876). Although the conflicting claims are not identical, they are not

patentably distinct from each other because in view of the "obviousness-type" double

patenting rationale enunciated in **Georgia Pacific Corp v United States Gypsum Co.,**

52 USPQ2d 1590, U.S. Court of Appeals Federal Circuit 1999, the instant

application's claim 1 merely defines an obvious variation of the invention claimed in

copending Application No. 09/800,098 (U.S. Patent Application Pub. No. US

2002/0169876).

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

User's are a subset of organization (obvious variation). As in the Geogia Pacific case claim 1 of the instant application is merely a subset of claim 1 of copending Application No. 09/800,098098 (U.S. Patent Application Pub. No. US 2002/0169876). These differences are not sufficient to render the claim patentably distinct and therefore a terminal disclaimer is required.

4.   Claim 1 of the instant application (09/774,265) is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/772,486 (U.S. Patent Application Pub. No. US 2002/0156904). Although the conflicting claims are not identical, they are not patentably distinct from each other because of reasons set below:

Regarding claim 1, claim 1 of copending Application No. 09/772,486 (U.S. Patent Application Pub. No. US 2002/0156904) contains every element of claim 1 of the instant application (09/774,265) and as such anticipate claim 1 of the instant application.

Regarding claim 12, claim 6 of copending Application No. 09/772,486 (U.S. Patent Application Pub. No. US 2002/0156904) contains every element of claim 6 of the instant application (09/774,265) and as such anticipate claim 1 of the instant application.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. <u>In re Longi</u>, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); <u>In re Berg</u>, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claims 1-4, 6-9, 11-15 and 17-20 are rejected under 35 U.S.C.102(e) as being

anticipated by Win et al (Hereafter, Win), U.S. Pat. No. 6,182,142.

Regarding claim 1, Win teaches a method for provisioning users with resources

(= distributed access management of information resources based on the user's role in

the organization) [see Abstract], the method comprising the steps of:

establishing a set of attributes, organizational information, and user roles (=

establishing groups, roles, resources and associations wherein each roles record

contains a name string, unique identifier, description string and additional fields or

attributes) [see Col. 13, Lines 25-31 and Col. 13, Line 55 to Col. 14, Line 3] ;

defining a plurality of resource provisioning policies based on selected attributes,

organizational information, and user roles (= implementing access rules by defining

roles that users play when working for an organization or doing business with an

enterprise) [see Col. 5, Lines 29-53 and Col. 14, Line 5-67 and Col. 15, Line 46 to Col.

16, Line 14];

receiving attribute information, organizational information, and user role

information for a particular user, resource, or database (= receiving and storing

information about users, resources and roles of the users) [see Col. 2, Lines 28-34 and

Col. 5, Lines 19-21 and Col. 6, Lines 27-29];

determining which resource provisioning policies are applicable to the user based

on the received user role information, organizational information, and attribute

information (= determining what resources a user can access based on roles and

functional groups within the organization) [see Col. 5, Lines 46-62]; and

provisioning the user with resources based on the applicable resource

provisioning policies (= controlling access to information resource based on the user's

role in the organization [see Abstract] wherein assigning or deleting a role to/from a user

can add or delete access to all resources with that role and adding or removing a role

to/from a resource can give or take away access to that resource from all users with that

role [see Col. 5, Line 64 to Col. 6, Line 5]).

Regarding claim 2, Win further teaches the user roles comprising a yes value

and a no value (= YES and NO value) [see Table 1 on Col. 17, Lines 1-18], the

attributes comprising multiple non-binary values (= attributes such as name string or

unique identifier are not binary values) [see Col. 13, Lines 25-31].

Regarding claim 3, Win further teaches the step of reconciling resources by

comparing resources currently provisioned to the user with a list of resources that

should be provisioned to the user based on the applicable resource access policies, and

identifying any differences (= listing all existing and planned resources for which

protection and controlled access is desired and checking resource list with duplicates

are eliminated and duplicate roles are combined) [see Col. 13, line 58 to Col. 14, Line

22].

Regarding claim 4, Win further teaches the step provisioning or de-provisioning

resources to the user based on the differences detected by reconciliation (= using

administration application (114) to list, create, delete and modify user, resource and role records and assign roles to users and resources and specify within which a role is effective) [see Col. 13, Lines 23-46].

Regarding claim 6, Win further teaches including the steps of receiving timing information related to the timing of the provisioning or resources, and provisioning the user with resources at a certain time specified by the timing information (= indicating when the password or account will expire and assigning roles to users and resources and specify dates within which a role is effective) [see Col. 13, Lines 23-37].

Regarding claim 7, Win further teaches the attributes comprising user attributes (= user personal information, user identifier and account information, etc.) [see Col. 13, Lines 25-31 and Col. 16, Lines 1-3] and resource attributes (= resource name, resource identifier, a description, a relative URL, a web server, etc.) [see Col. 14, Lines 64-67].

Regarding claim 8, Win further teaches the step of provisioning the user with "hard" resources (= web server) [see Col. 14, Lines 64-67] and "soft" resources (= email address, URL web page, etc.) [see Col. 14, Lines 64-67 and Col. 16, Lines 1-13].

Regarding claim 9, Win further teaches the step of provisioning the user with resource bundles (= enabling users to log in to the system and thereafter access one or more resources during an authenticated session) [see Col. 6, Lines 6-8].

Regarding claim 11, Win further teaches the step of provisioning the user with

resources comprising communicating requests for the resources to applications or

persons (= requesting to use the resources at the server) [see Col. 119, Lines 15-21].

Regarding claim 12, Win teaches a system for provisioning users with resources

(= distributed access management of information resources based on the user's role in

the organization) [see Abstract], the system comprising:

memory for storing a set of attributes, organizational information, and user roles

(= registry repository (110) that stores information about users, resources and roles of

the users [see Col. 6, Lines 27-29] wherein groups, roles, resources and associations

are established [see Col. 13, Lines 25-31 and Col. 13, Line 55 to Col. 14, Line 3]), a

plurality of resource provisioning policies based on selected attributes, organizational

information, and user roles, and attribute information and user role information for a

particular user or resource (= implementing access rules by defining roles that users

play when working for an organization or doing business with an enterprise) [see Col. 5,

Lines 29-53 and Col. 14, Line 5-67 and Col. 15, Line 46 to Col. 16, Line 14]; and

one or more processors coupled to the memory and an organizational network

[see Fig. 2], the processors programmed for

determining which resource provisioning policies are applicable to a particular

user based on the stored user role information, organizational information, and attribute

information (= determining what resources a user can access based on roles and functional groups within the organization) [see Col. 5, Lines 46-62], and

provisioning the user with resources based on the applicable resource provisioning policies (= controlling access to information resource based on the user's role in the organization [see Abstract] wherein assigning or deleting a role to/from a user can add or delete access to all resources with that role and adding or removing a role to/from a resource can give or take away access to that resource from all users with that role [see Col. 5, Line 64 to Col. 6, Line 5]).

Regarding claim 13, Win further teaches the user roles having a yes value and a no value (= YES and NO value) [see Table 1 on Col. 17, Lines 1-18], the attributes comprising multiple non-binary values (= attributes such as name string or unique identifier are not binary values) [see Col. 13, Lines 25-31].

Regarding claim 14, Win further teaches a system as recited in claim 13, the one or more processors further programmed for reconciling resources by comparing resources currently provisioned to the user with a list of resources that should be provisioned to the user based on the applicable resource provisioning policies, and identifying any differences (= listing all existing and planned resources for which protection and controlled access is desired and checking resource list with duplicates are eliminated and duplicate roles are combined) [see Col. 13, line 58 to Col. 14, Line 22].

Regarding claim 15, Win further teaches a system as recited in claim 14, the one or more processors further programmed for provisioning or de-provisioning resources to the user based on the differences detected by reconciliation (= using administration application (114) to list, create, delete and modify user, resource and role records and assign roles to users and resources and specify within which a role is effective) [see Col. 13, Lines 23-46].

Regarding claim 17, Win further teaches the one or more processors further programmed for receiving timing information related to the timing of the provisioning or resources, and provisioning the user with resources at a certain time specified by the timing information (= indicating when the password or account will expire and assigning roles to users and resources and specify dates within which a role is effective) [see Col. 13, Lines 23-37].

Regarding claim 18, Win further teaches the attributes comprising user attributes (= user personal information, user identifier and account information, etc.) [see Col. 13, Lines 25-31 and Col. 16, Lines 1-3] and resource attributes (= resource name, resource identifier, a description, a relative URL, a web server, etc.) [see Col. 14, Lines 64-67].

Regarding claim 19, Win further teaches the user may be provisioned with "hard"

resources (= web server) [see Col. 14, Lines 64-67] and "soft" resources (= email

address, URL web page, etc.) [see Col. 14, Lines 64-67 and Col. 16, Lines 1-13].

Regarding claim 20, Win further teaches the user is provisioned with resource

bundles (= enabling users to log in to the system and thereafter access one or more

resources during an authenticated session) [see Col. 6, Lines 6-8].

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 5, 10, 16 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Win et al (Hereafter, Win), U.S. Pat. No. 6,182,142 in view of Cheng,

U.S. Pat. No. 6,067,548.

Regarding claim 5, Win does not explicitly teach the step of de-provisioning the

user with some or all of the user's allocated resources if the user is terminated,

suspended, or placed on leave.

However, Cheng, in the same field of dynamic organizational model and role-

based management system, discloses when a user defined member class (92) is

moved to another organization, some of the user-defined attributes (94) from the

original organization may be mapped to the new one and all other irrelevant information

is dropped [see Cheng, Fig. 5 and Col. 8, Line 29 to Col. 9, Line 4]. It would have been

obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of de-provisioning the user with some or all of the user's allocated resources if the user's status in the organization is changed as disclosed by Cheng, into the distributed access management of information resources based on the user's role in the organization disclosed by Win, in order to enhance the organizational management methodology because it provides a dynamic or proactive way of querying the life-cycle of the member of the organization to immediately determine availability of the resource [see Cheng, col. 3, Lines 31-39].

Regarding claim 10, Win does not explicitly teach the step of defining a plurality of resource provisioning policies utilizing decision statements that allow irrelevant steps to be bypassed.

However, Cheng, in the same field of dynamic organizational model and role-based management system, discloses defining a plurality of resource provisioning policies utilizing decision statements (Boolean statements) [see Cheng, Col. 13, Line 34 to Col. 14, Line 63] that would allow irrelevant steps to be skipped if the question is answered. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of defining a plurality of resource provisioning policies utilizing decision statements (Boolean statements) as disclosed by Cheng, into the distributed access management of information resources based on the user's role in the organization disclosed by Win, in order to enhance the organizational management methodology because it provides a dynamic or proactive way of querying

the life-cycle of the member of the organization to immediately determine availability of the resource [see Cheng, col. 3, Lines 31-39].

Regarding claim 16, Win does not explicitly teach the one or more processors further programmed for de-provisioning the user with some or all of the user's allocated resources if the user is terminated, suspended, or placed on leave.

However, Cheng, in the same field of dynamic organizational model and role-based management system, discloses when a user defined member class (92) is moved to another organization, some of the user-defined attributes (94) from the original organization may be mapped to the new one and all other irrelevant information is dropped [see Cheng, Fig. 5 and Col. 8, Line 29 to Col. 9, Line 4]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of de-provisioning the user with some or all of the user's allocated resources if the user's status in the organization is changed as disclosed by Cheng, into the distributed access management of information resources based on the user's role in the organization disclosed by Win, in order to enhance the organizational management methodology because it provides a dynamic or proactive way of querying the life-cycle of the member of the organization to immediately determine availability of the resource [see Cheng, col. 3, Lines 31-39].

Regarding claim 21, Win does not explicitly teach the plurality of resource provisioning policies utilizing decision statements that allow irrelevant steps to be bypassed.

However, Cheng, in the same field of dynamic organizational model and role-based management system, discloses defining a plurality of resource provisioning policies utilizing decision statements (Boolean statements) [see Cheng, Col. 13, Line 34 to Col. 14, Line 63] that would allow irrelevant steps to be skipped if the question is answered. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of defining a plurality of resource provisioning policies utilizing decision statements (Boolean statements) as disclosed by Cheng, into the distributed access management of information resources based on the user's role in the organization disclosed by Win, in order to enhance the organizational management methodology because it provides a dynamic or proactive way of querying the life-cycle of the member of the organization to immediately determine availability of the resource [see Cheng, col. 3, Lines 31-39].

Other References Cited

9.   The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Schneider et al, U.S. Pat. No. 6,408,336, discloses distributed administration of access to information.

B) Ginn, U.S. Pat. No. 6,052,723, discloses aggregating control on an electronic network by creating groups of users and determining policy for groups of users.

C) Barkley, U.S. Pat. No. 6,088,679, discloses workflow management employing role-based access control.

D) Hudson et al, U.S. Pat. No. 6,055,637, discloses resource access control system with user's assigned role and unique identifier.

E) Du et al, U.S. Pat. No. 5,826,239, discloses distributed workflow resource management.

F) Barkley et al, U.S. Pat. No. 6,202,066, discloses role/group permission association using object access type.

G) Kuhn, U.S. Pat. No. 6,023,765, discloses implementation of role-based access control in multi-level secure systems.

H) Ueno et al, U.S. Pat. No. 6,237,036, discloses generating access control lists.

I) Fisher et al, U.S. Pat. No. 6,085,191, discloses providing database access control in a secured distributed network.

J) Deinhart et al, European Patent Application No. EP 0697662A1, discloses role-based access control in distributed and centralized computer system.

K) Hitchens et al, "Design and Specification of Role Based Access Control Policies", IEEE, Aug. 2000, discloses role-based access control policies.

L) Tari et al, "A Role-Based Access Control For Intranet Security", discloses role-based access control.

10.   A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Tran whose telephone number is (703) 308-8767.

The Group fax phone number is (703) 872-9306.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

    Any inquiry of a general nature or relating to the status of this application should

be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran

Philip B. Tran
Art Unit 2155
May 24, 2004